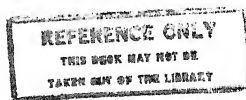


INTRODUCTION

1. Most young people want to be able to drive a car and see this as an essential life skill. Almost half of those who eventually obtain a full driving licence begin learning to drive at the age of 17. Some of these pass the driving test at the first attempt within weeks or months: around a quarter of those who pass the driving test do so before their 18th birthday. Unfortunately, many drivers are likely to be involved in an accident within two or three years of passing the test.
2. Over 1,000 people are killed each year in Great Britain in accidents in which at least one driver is aged 17-21. Drivers in this age-group represent only 10 per cent of licence holders and have lower than average annual mileage, yet they are involved in over 20 per cent of all accidents. Among young people themselves, road accidents are by far the most common cause of accidental death. In 1991, road accidents caused 76 per cent of accidental deaths among 16 to 19 year olds and 37 per cent of deaths from all causes.
3. The public are rightly concerned about a problem on this scale, with all the personal grief and suffering it causes. The Government is determined to take steps to reduce this tragic waste of life and limb.
4. All under 21s are relatively inexperienced as drivers, but there are also many newly qualified drivers in older age groups. Less is known about the accident involvement of these drivers as they are not separately identified in statistical sources. However, research indicates that it is mainly inexperience rather than immaturity which gives rise to the higher accident involvement of young drivers and that new drivers of any age are at greater risk compared to experienced drivers of similar age.
5. This consultation document is therefore concerned with new drivers of all ages, and the measures proposed are intended to apply to all new drivers, except where the contrary is explicitly stated.
6. This document is also concerned with new motorcyclists. Though the absolute numbers of motorcycle casualties have fallen rapidly in recent years, the risk of a young motorcyclist being involved in an accident, particularly a fatal or serious one, is still many times greater than for a young car driver. It is important therefore that measures taken to protect the car driver do not result in a transfer to motorcycling and thus perversely increase the risk of accidents. For this reason, the majority of measures proposed would



apply to both car drivers and motorcyclists. Any measure which restricted access to car driving could also result in more young people riding mopeds, which, as seen in other countries, might give rise to a significant accident problem. Transfer to cycling would be much less of a problem because of their lower accident rate.

7. The problem of young driver accidents is not a new one, nor is the public demand for countermeasures. The challenge has been to devise effective measures which are not unduly restrictive, unpopular or expensive. To this end, the Department of Transport commissioned a major programme of research into the causes of accidents involving new drivers. In the light of the findings of this research it has been possible to assess the relative merits of numerous proposals that have been put forward. While there are still considerable gaps in our understanding – which the continuing research programme aims to fill – we now have a considerable body of data on which to draw.

STATISTICAL EVIDENCE

8. Figure 1 gives the number of reported injury accidents involving cars in Great Britain in 1991 analysed by the age and sex of the driver. This shows that:—

- young drivers have higher accident involvement (an 18 year old is more than three times as likely to be involved in an accident as a 48 year old);
- males are involved in approximately twice as many accidents as females;
- the difference between the sexes in accident involvement is greater for young drivers (at the age of 18 males are involved in 2.4 times as many accidents as females, by the age of 38 this ratio has fallen to 1.8).

9. However, Figure 1 makes no allowance for the fact that fewer people in the 17 to 20 age group hold licences, nor for the fact that their exposure (average mileage driven) is lower. Figure 2 takes account of both these factors and gives the accident involvement rate per 100 million vehicle kilometres. This shows that:—

- the accident liability of young drivers is even greater than Figure 1 would suggest: for every mile driven a 17 year old male is seven times more likely to be involved in an accident than a middle aged man;

- the difference in accident involvement between the sexes is almost entirely accounted for by the higher annual mileage of males (however, further analysis shows that the fatal accident rate of young men is twice that of young women, reflecting the higher average speeds in accidents involving young men).

10. **Figure 3** shows the absolute number of casualties in accidents involving a young driver. Over 1000 people die each year in Great Britain in accidents in which at least one driver is between 17 and 21 years of age. This represents 28 per cent of all deaths in car accidents. Young drivers are responsible for similar proportions of serious injuries and of all casualties.

11. **Figure 4** analyses the types of accident involving young drivers. It shows that young drivers are not simply at higher risk across all categories of accident but that:—

- they are disproportionately involved in single vehicle accidents;
- they have a larger proportion of their accidents between 10pm and midnight; however,
- they are no more likely than older drivers to be involved in drink-related accidents.

12. Much of the increased accident risk results in death or injury to young drivers themselves; however, many young people are killed or injured travelling as passengers with a young driver. Of the 2757 passengers killed or seriously injured when travelling in a car driven by a 17 to 21 year old, 1680 were also aged between 17 and 21 – over 60 per cent, whereas passengers in that age group make up only 26 per cent of casualties in cars driven by drivers of all ages.

RESEARCH EVIDENCE

13. The statistics quoted above establish that young drivers are at a higher risk than other age groups, but they do not indicate why this should be. It is easy to surmise what the factors involved may be: immaturity, inexperience, failure to perceive danger, willingness to accept risk, aggression, over-confidence, deliberate law-breaking and so forth. It is much less easy to establish these as causes and to quantify their relative importance. This requires analytical research, and in 1987, the Department of Transport commissioned a major programme of behavioural studies aimed at obtaining a better understanding of the role of individual characteristics in accident causation.

14. The first important finding concerns the relative importance of age and experience in reducing accident liability. A multi-variate analysis was carried out by the Transport Research Laboratory on the self-reported accident experience of 18,500 drivers. This showed (**Figure 5**) that driving experience is crucial. For example, in the first year of driving accident liability reduces on average by 34 per cent. However, maturation alone accounts for only a 6 per cent reduction; the remainder is explained by the increase in driving experience.

15. This is an important finding. It shows that the problem is essentially one of "new drivers" rather than "young drivers", and is central to the proposal at paragraph 5 above that most of the measures put forward in this document should apply to all newly qualified drivers. It also indicates that the problem can, at least in principle, be treated. Nothing can be done to make the young grow up more quickly, but fortunately it is possible to accelerate experience by means of training and education.

16. There are two ways in which new drivers could become safer: by improving skills, and by developing different attitudes towards driving.

17. The driving test is essentially a test of performance skill. Any driver who has passed it has demonstrated a basic level of competence. Young male drivers appear to find it easier than others to acquire this competence (**Figure 6**) although they are subsequently more likely to be involved in accidents. One of the problems appears to be that, while they may be very dexterous, they pass the test before acquiring the higher-order judgemental skills which matter for safety as a driver. These skills are eventually developed through driving experience. The question is whether they can be acquired more quickly and safely through appropriate training.

18. One important skill which can be developed by training is hazard perception. This is a measure of an individual drivers ability to recognise hazardous situations whilst driving. Laboratory research in which drivers are asked to identify hazards on a video has confirmed that this skill is possessed by expert drivers to a greater degree than new drivers, and that the performance of the latter can be improved with training. A major study has been established to investigate whether such training improves a driver's safety on the roads.

19. Research into attitudes is necessarily more difficult and less conclusive, but it is clear that three main attitudinal factors must be taken into account. Drivers more likely to

be involved in accidents are those who overestimate their own skills, drive faster than appropriate in the circumstances, or disregard or deliberately break traffic regulations.

20. These attitudes are not typical of young or new drivers as a whole. Nor are older or more experienced drivers immune from these failings. However, research indicates that these traits, separately or in combination, are more prevalent in young drivers (particularly males) than others and also more dangerous when combined with a lack of judgemental skills due to inexperience. Any set of countermeasures will need to address both skills and attitudes.

POSSIBLE WAYS FORWARD

21. The above analysis indicates that there are three ways of reducing the accident risk of new drivers:-

- helping them to overcome their lack of experience and improve their cognitive skills;
- changing or counteracting behavioural patterns which increase the risk of accidents;
- reducing their exposure to risk until they have acquired the necessary experience to handle it.

22. It should be possible to accelerate the acquisition of skills by improved training both for learners and for those who have recently passed their driving test. Driving behaviour can be improved either through education to change attitudes or by enforcement to impose a change of behaviour.

23. Measures to improve skills or influence behaviour seek to operate on the causes of the high accident involvement of new drivers. Reducing exposure to risk addresses the symptoms. For example, a "curfew" would eliminate exposure to night driving when, for any driver, the risk increases by a factor of 2.6 over daylight driving. While this might be a successful strategy in the short term, inherently risky ventures like driving at night need to be mastered eventually and a "curfew" might do little more than defer the problem.

24. A successful strategy will almost certainly need to combine these different strands. It should do more than simply reduce exposure to risk and should aim to provide drivers with the necessary knowledge and skills to deal with the driving situations they are likely to encounter. It will need to provide positive incentives as well as restrictions and it will need to be acceptable to the majority of people, mainly young, who are learning to drive or intend shortly to do so. Care will be needed to avoid imposing unnecessary restrictions on the responsible majority of new drivers.

25. There is no shortage of proposals which have been put to the Government by road safety organisations and individuals. We have considered all these ideas carefully on their merits taking into account their likely effectiveness, cost, feasibility and public acceptability. In this document they have been classified into three groups:

- **Group A:** measures which, taken together, appear most likely to achieve the aims set out above and which we hope to pursue. They need not stand or fall as a package, but there would appear to be enhanced benefit in pursuing them together.
- **Group B:** two measures of which the Government doubts the efficacy but on which it would be particularly interested to have views;
- **Group C:** various other proposals which have been considered, including some which have found much support outside Government, but which on balance do not appear worth pursuing further. The reasons for this view are briefly given in each case.

This categorisation is intended to inform the consultation exercise, not to prejudice the debate. The Government would welcome considered views on any of the proposals, ideas for any further measures that might be taken, and suggestions on how the proposals might best be implemented.

26. Included among the Group A measures for completeness is the proposal for a separate theory test. The option of a separate theory element for all driving tests was one of the issues discussed in the Driving Standards Agency consultation paper issued in August 1992 and this option received widespread support. We intend to pursue this on the basis of the earlier response, taking full account of the views then expressed on the conduct and content of a theory test. Any further views would however be welcome, particularly from those who did not comment on the earlier consultation.

27. The Government is aware of the special factors of concern to people with disabilities. We have no intention of withdrawing the right of people receiving Mobility Allowance to begin driving cars at 16, nor of restricting the size or type of vehicle they may drive. We are not aware of anything in the Group A proposals that would cause problems for people with disabilities, but should be grateful if consultees could alert us to possible difficulties so that appropriate exemptions can be considered if necessary.

28. For each option in Group A there is an indication of the likely costs and burdens that it would impose on new drivers and others. It would be premature at this stage to attempt to produce a full Compliance Cost Assessment of any of these proposals. We should, however, welcome any estimate of costs and burdens, particularly those falling on small businesses, which consultees are able to supply, and any indications of costs or burdens which we have not identified.

29. Certain of the options in Groups B and C, and some variants of the options in Group A, could not be pursued without new primary legislation. Primary legislation depends on the Parliamentary timetable, for which there are many competing priorities, and the Government could not undertake to bring in any of these measures by a particular date.

30. For some of the options attention is drawn to specific points on which views are invited in order to enable us to design the best possible package of measures. These are set out in order to help focus attention on what are seen to be the key issues and are not intended in any way to limit or constrain the debate. In addition, consultees are invited to consider the following general questions:

- i. Do consultees agree with the basic principle that any special rules or restrictions should apply to all learners or all newly qualified drivers, regardless of their age? Are there any exceptions to this?
- ii. How long should be the "probationary" period during which any special rules apply – one year, two years or longer from the date of passing the driving test?
- iii. To what extent, if any, should these measures apply to drivers of vehicles other than licence categories A (motorcycles) and B (cars, light vans etc)?

31. Comments on these proposals should be sent, no later than 1 November 1993 please, to Mr P H Openshaw, RS1, Room C18/19, 2 Marsham Street, London SW1P 3EB

Figure 1. ACCIDENT INVOLVEMENT BY AGE AND SEX OF DRIVER

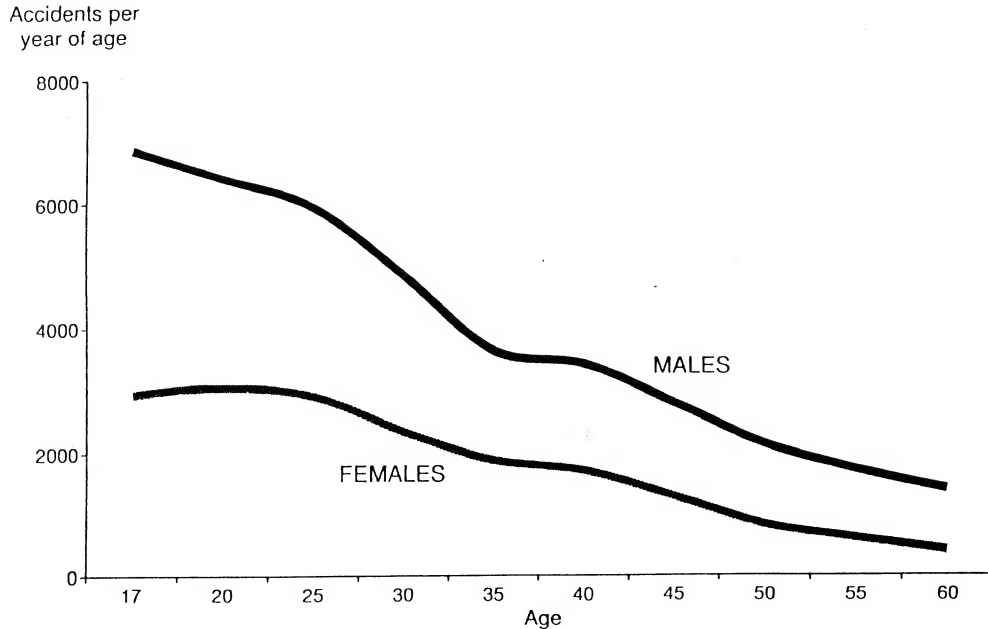


Figure 2. ACCIDENT RATE PER 100 MILLION VEHICLE-KILOMETRES

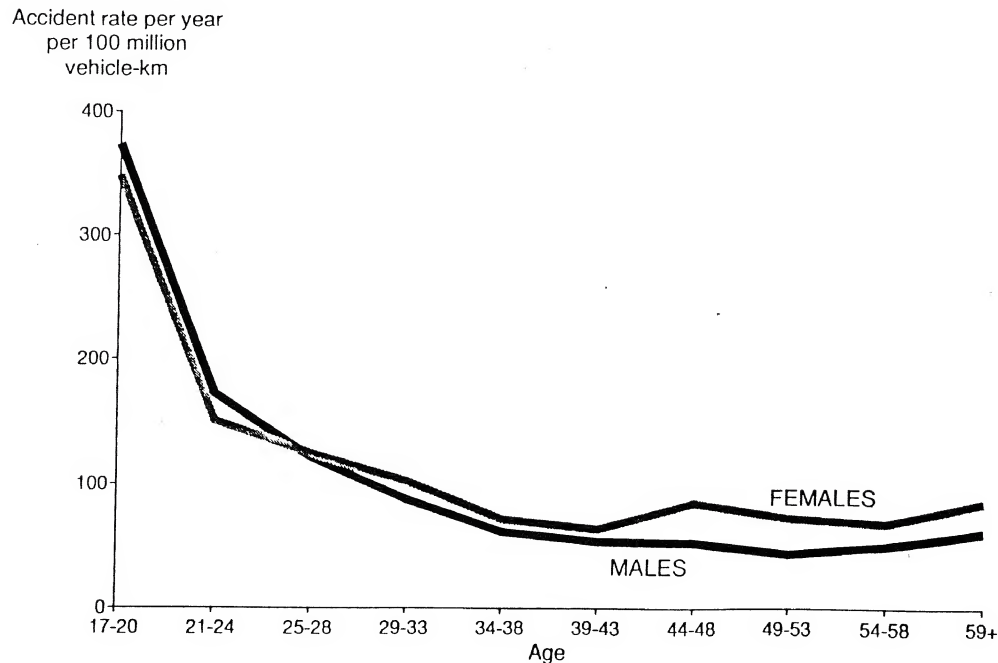


**Figure 3. TOTAL CASUALTIES IN ACCIDENTS INVOLVING CAR DRIVERS
OF GIVEN AGE**

Age of driver	Killed	KSI	All Casualties
0 -16	25	192	839
17	143	1,683	10,127
18	228	2,755	16,896
19	195	2,733	16,354
20	250	2,867	17,646
21	216	2,550	15,045
17-21	1,032	12,588	76,068
All ages	3,704	47,625	275,509

Figure 4. CAR ACCIDENTS BY AGE OF DRIVER INVOLVED

Age of Driver	Single vehicle accidents ¹		10pm - midnight		Drink drive ²		All accidents
	No.	%	No.	%	No.	%	No.
17 - 21	7,811	16	5,186	11	2,221	5	47,816
22+	14,341	8	9,808	6	9,032	5	168,910
All ^{3,4}	22,653	11	14,033	7	11,475	6	205,097

Notes:

1. Accidents involving no other road users.
2. 1990 data.
3. Includes age not reported.
4. Accidents involving drivers in both two age groups are counted only once, hence the "ALL" figure is less than the sum of the two age-group figures.



Figure 5. THE EFFECT OF AGE AND EXPERIENCE ON ACCIDENT LIABILITY FOR YOUNG AND INEXPERIENCED DRIVERS

Percentage reduction in accident liability

Experience Alone (Independent of Age)			Age Alone (Independent of Experience)			Age and Experience
During year	1	30%	Between	17 and 18	6%	34%
	2	17%		18 and 19	6%	22%
	3	11%		19 and 20	5%	15%
	4	7%		20 and 21	4%	12%
	5	5%		21 and 22	4%	9%
	6	4%		22 and 23	4%	8%
	7	3%		23 and 24	4%	7%
	8	3%		24 and 25	3%	6%
OVERALL	8 years	59%	Between	17 and 25	31%	72%

The accident liability of car drivers
TRL research report 315 1991

Figure 6. PASS RATE OF CANDIDATES BY AGE AND SEX

Age of Candidate	Pass rate males	Pass rate females
17 - 19 years	59%	53%
20 - 24 years	56%	49%
25 - 29 years	58%	48%
30 - 39 years	53%	44%
40 - 49 years	46%	36%
50 - 59 years	34%	28%
60 years or over	34%	25%
Total	57%	47%

Learning to drive and performance in the driving test
TRL research report 338 1992

ANNEX

OPTIONS FOR IMPROVING THE SAFETY OF NEW DRIVERS

GROUP A : PREFERRED MEASURES

A1. RETESTING FOR NEW DRIVERS CONVICTED OF OFFENCES

Description of the proposal

A driver convicted of certain offences committed within a specified period (eg 1 or 2 years) of passing the car or motorcycle driving test, would be debarred from holding a full driving licence until he or she passed a further test. The offender would need to obtain a new provisional licence and observe learner driver conditions until passing this retest. In the case of the most serious offences, or "totting up" of penalty points, the retest would be twice the normal length.

Passing the driving test is a milestone in one's life, particularly for a young person. The threat of automatically losing a full licence and reverting to the status of a learner displaying L-plates and needing to be accompanied by a mature driver – would be a strong deterrent against committing offences such as speeding, jumping red lights or crossing double white lines. Closer observance of the law in the early years of driving might condition long term attitudes and behaviour. There is evidence that offences such as speeding and red-light jumping are often committed deliberately rather than by error or by a lapse of concentration. Such risk-taking is associated with an aggressive driving style and over-confidence which, particularly in new drivers, is strongly correlated with accident liability.

It may be considered unjust that new drivers should be liable to be punished more severely than others for the same offence. However, the difference in treatment can be justified by the greater likelihood of new drivers causing an accident by the type of driving which has led to the offence. Mandatory retesting, with its encouragement of further tuition and supervised practice, is a more constructive form of sanction than wider use of full disqualification.

The present regime

Since July 1992, an extended (double-length) retest has been mandatory for anyone disqualified on conviction of dangerous driving, or of manslaughter or culpable homicide by driving, under provisions introduced by section 32 of the Road Traffic Act 1991. The courts have a discretionary power to require the retesting of a driver convicted of any other offence requiring endorsement of the licence. Such a discretionary retest is also double-length if the offence carries obligatory disqualification (as with the main drink-drive offences) or if the driver has accumulated 12 or more penalty points, in which case also the courts must disqualify, but is the normal length in other cases. Where a court orders an extended retest, all driving tests that arise subsequently from that order are extended tests. Where a requirement for retesting is imposed together with a period of disqualification, the offender is not allowed to drive at all while the period of disqualification is in force although he or she may apply for a provisional licence to take effect when that period has expired. Where only a retesting requirement is imposed, the offender may resume driving, as a learner, as soon as he or she obtains a provisional licence. The effect of the new proposal would be to make retesting mandatory rather than discretionary when a driver commits one of a range of offences within a certain period of passing the driving test. For such offences committed after that period, the existing discretionary powers of the courts would remain.

What offences would attract retesting?

The offences which are currently subject to obligatory endorsement of the driving licence are shown in the table on pages 19 – 20. The offences in Part 1 of the table are already subject to mandatory retesting for all drivers. For new drivers there seems a strong case for requiring a retest following any of the Part 2 offences and some at least of the Part 3 offences. However, a number of the latter – including important ones like speeding – are fixed penalty offences. Whether or not it would be desirable to include all these depends in part on how the regime would operate. There are a number of options. The most straightforward option ("the basic proposal") would be to extend the existing mandatory retesting provisions, requiring the courts to make a retesting order in any case where they convict a new driver of a relevant offence. This could be done by making an order under the existing primary legislation. However, if the offence were dealt with by fixed penalty, the case would not go to court and retesting would not apply. A persistent offender would eventually accumulate 12 penalty points and be brought to court, but only after committing up to four endorsable offences. The Government would be particularly interested to have consultees' views on the suitability of this arrangement. Those

offenders who were not offered fixed penalty payment might see the additional sanction of a retest as unfair as the court would have no discretion on the penalty it imposed.

This problem could be addressed in various ways, all involving primary legislation:

- i. Retesting could be made to follow automatically from a fixed penalty (as well as from a court conviction), without the involvement of the court, for example by making the full driving licence "probationary" for 2 years and subject to withdrawal if there were any endorsements in that time (or if more than, say, 6 penalty points were accumulated).
- ii. The option of paying by fixed penalty could be removed where these offences were committed by new drivers. Where the police or fixed penalty clerk received a licence which showed that the holder had full entitlement for less than 2 years, it would simply be returned, as with a licence carrying too many penalty points, and the offender summoned to court.
- iii. The basic proposal would stand, but in addition the courts could be given a measure of discretion to waive the requirement to take a retest. This could be achieved (without simply retaining the existing discretion) by obliging the courts to require a retest in all cases unless for a special reason they were satisfied that they should not do so. That would parallel the provisions on "obligatory disqualification" for serious driving offences.

It is worth considering the advantages and disadvantages of each of these variants. The first would involve the most radical change to the driver licensing system. It would potentially relieve the police and the courts of the need to consider whether a retest should be required. However, it might encourage accused persons who would otherwise pay the fixed penalty to elect to go to court and enter a plea of not guilty.

The second variant would ensure that all persons at risk of losing their full driving entitlement obtained a court hearing, but it would place additional burdens on them, and on the police, the Crown Prosecution Service (in Scotland, the Procurator Fiscal Service) and the courts to a greater extent than any of the other variants. To remove the fixed penalty option for offences committed in the first two years after passing the test could result in as many as 60,000 additional court cases in England and Wales each year.

The third variant, while not having these disadvantages, might encourage more drivers to enter pleas in mitigation, hoping that the court would excuse them from the retest. This would also involve more work for the courts, but to a lesser extent than the first or second variants.

One further problem affects the basic proposal and the third of these variants. In the majority of road traffic cases not involving obligatory disqualification, the accused person is given the opportunity to avoid a court appearance by pleading guilty by letter and this opportunity is widely taken up. However, section 11 of the Magistrates' Courts Act 1980 (which applies in England and Wales) does not allow a magistrates' court to disqualify drivers in their absence except after an adjournment. Mandatory retesting would therefore require additional court appearances unless, by means of primary legislation, this requirement were disappplied or modified in the case of mandatory retesting orders, or more generally. The Government is currently considering this issue. If the courts were given the limited element of discretion suggested in the third option above, it should be made possible for them to accept pleas in mitigation by letter without seeing the offender in person.

In Scotland, the court is not obliged to require the attendance of an accused person when an order for disqualification is made. However, where an accused person has pleaded guilty by letter, it is in practice advisable to give him or her an opportunity to attend court. Moreover, where an accused person has submitted a plea by letter, the court has the power to require that person to attend a later sitting so as to be present when sentence is pronounced.

Benefits, costs and burdens

The prospect of a retest should deter new drivers from committing deliberate offences and generally make them more wary. It would affect only new drivers who commit endorsable traffic offences and would not therefore be a burden on the majority who comply with the law.

Retest candidates would have to pay the fees for a new provisional licence and, if they passed the retest, a new full licence. They would also have to pay the driving test fees. These fees are set at a level to secure full cost recovery, so this measure would not result in any additional burden on the taxpayer, or in higher fees for other drivers.

The basic proposal could impose some additional burden on the police and the Crown Prosecution Service (in Scotland, the Procurator Fiscal Service) if the effect were to make new drivers, with more to lose, less inclined to plead guilty, and more inclined to appeal if found guilty. This would have resource implications for the Crown Prosecution Service, the Procurator Fiscal Service and the legal aid fund which cannot readily be quantified.

Of the variants discussed above, the first might, and the second certainly would, increase the number of cases going to court, rather than being settled by fixed penalty, and hence would increase the workload and costs of the police, the Crown Prosecution Service, the Procurator Fiscal Service and the courts.

The requirement that an individual must appear before the court for a sentence involving disqualification means that the basic proposal would cost the courts in England and Wales an estimated £600,000 per year and the Crown Prosecution Service an estimated £150,000 per year. It would also impose an additional inconvenience on that person accused of the offence unless, as discussed above, that requirement were waived by amendment to the Magistrates' Courts Act 1980.

Offset against these costs would be the savings of court and police time which would result from a reduction in the offence rate of new drivers. It is difficult to quantify the extent to which the threat of retesting would deter offenders, but if the policy works as intended, some savings should be achieved.

Legislation

There are powers to extend the scope of mandatory retesting by regulations under section 36(3) of the Road Traffic Offenders Act 1988 (as submitted by section 32 of the Road Traffic Act 1991). These would be adequate to bring in the basic proposal outlined above, making retesting of new drivers a mandatory requirement in cases where it is currently discretionary.

Primary legislation would be needed to introduce any of the other variants discussed above, or to modify court procedure in the case of drivers subject to a retesting order so that offenders could plead guilty by letter.

The Government cannot commit itself, at this stage, to obtaining the primary legislation necessary to pursue those options. This will depend, among other things, on other legislative priorities.

Points to consider

Views of consultees would be particularly welcome on:

- whether any endorsable offences should be excluded from a mandatory retesting requirement;
- whether it would be better to introduce the basic proposal at an early date by secondary legislation or to defer action until one of the variants requiring primary legislation can be introduced;
- any preferences between the possible variants proposed;
- whether the courts should be able to require a retest in the absence of a person who pleads guilty by letter;
- whether a retest should involve the theoretical test (as proposed in A2 below) as well as the practical one.

ROAD TRAFFIC OFFENCES SUBJECT TO OBLIGATORY ENDORSEMENT

Part 1. Offences currently subject to mandatory retesting for all offenders (extended test)

Manslaughter (or, in Scotland, culpable homicide) by the driver of a motor vehicle
Causing death by dangerous driving (RTA, s 1)

Dangerous driving (RTA, s 2)

Part 2. Other offences involving obligatory disqualification (any retesting order would involve an extended test)

Causing death by careless driving when unfit through drink or drugs (RTA, s 3A)

Driving or attempting to drive when unfit through drink or drugs (RTA, s 4(1))

Driving or attempting to drive with excess alcohol in breath etc. (RTA, s 5(1)(a))

Failing to provide evidential specimen of breath etc (in relation to driving, or attempting to drive) (RTA, s 7)

Motor racing or speed trial on highway (RTA, s 12)

Part 3. Offences involving discretionary disqualification but obligatory endorsement (any retesting order would involve a standard length test)

*(Offences marked * are fixed penalty offences whenever committed in respect of a motor vehicle. Offences marked (*) are fixed penalty offences in some circumstances only).*

Careless or inconsiderate driving (RTA, s 3)

Being in charge of a mechanically propelled vehicle while unfit through drink or drugs (RTA, s 4(2))

Being in charge of a motor vehicle with excess alcohol in breath etc. (RTA, s 5(1)(b))

Failing to provide roadside breath specimen (RTA, s 6)

Failing to provide evidential specimen of breath etc (in relation to a "being in charge" offence) (RTA, s 7)

*Exceeding speed limit (RTA, s 89(1))

*Contravention of temporary restriction of speed (RTA, s 16(1))

*Unlawful use of special road (except stopping on hard shoulder etc.) (RTRA, s 17(4))

(*)Contravention of pedestrian crossing regulations (RTRA, s 25(5))

Not stopping at school crossing (RTRA, s 28(3))

*Contravention of order relating to street playground (RTRA, s 29(3))

*Using vehicle in dangerous condition, etc. (RTA, s 40A)

*Breach of construction and use requirement as to brakes, steering gear or tyres (RTA, s 41A)

*Unlawful carrying of passenger on motorcycle (RTA, s 23)

Failing to comply with direction of constable or traffic warden (RTA, s 35)

Failing to comply with certain traffic signs (specified in regulations) (RTA, s 36)

Driving otherwise than in accordance with a licence (in a case where no licence authorising such driving could have been granted) (RTA, s 87(1))

Driving after making false declaration as to physical fitness (RTA, s 92(10))

Driving after failure to notify onset of, or deterioration in, relevant or prospective disability (RTA, s 94(3A))

Driving after refusal or revocation of licence on medical grounds (RTA, s 94A)

Driving with uncorrected defective eyesight or refusing to submit to test of eyesight (RTA, s 96)

Driving while disqualified (RTA, s 103(1)(b))

Using motor vehicle while uninsured or unsecured against third-party risks (RTA, s 143)

Failing to stop after accident and give particulars or report accident (RTA, s 170(4))

Failure to give police information as to identity of driver etc in case of certain offences (RTA, s 172)

(Note: RTA = Road Traffic Act 1988 (c.52); RTRA = Road Traffic Regulation Act 1984 (c.27))

A2. SEPARATE THEORY TESTING

Description of the proposal

A separate written or audio-visual theory test would be introduced. Learner car or motorcycle drivers would have to pass it before taking the practical driving test. The Highway Code questions would be dropped from the practical test and incorporated into the theory test.

The Second EC Driving Licence Directive (91/439/EEC) requires all member states to introduce a theoretical test as part of their driving test by 1st July 1996. The Driving Standards Agency consulted in 1992 on possible ways of meeting the requirement in the Directive for theoretical testing. The majority of consultees favoured a separate test in "classroom" conditions rather than an extension of the Highway Code questions currently asked at the end of the practical test. If it could be established that lower insurance premiums were on offer to drivers who had passed a separate theory test, this could be made voluntary. However, this would still have to be in conjunction with additional questions in the existing test to meet the terms of the Directive.

There also appear to be road safety benefits in a separate test on a broader range of topics. This would encourage broader-based training and prepare learner drivers better for the complex task they face, which involves a great deal more than the ability to handle a vehicle. There is evidence that many candidates pass the present test without adequate preparation for the complex task of driving unsupervised in all types of traffic and weather conditions they are likely to encounter and without a thorough knowledge and understanding of the Highway Code. Most other EC countries already have a separate theory test.

To obtain a full licence the candidate would have to obtain a pass in both the theoretical and the practical part of the test. It is not proposed that the theory test need be passed before a learner is allowed to drive on the road. However, it is for consideration whether the candidate should be required to pass the theoretical part before proceeding to the practical. This would make sense in road safety terms and better theoretical grounding would also tend to reduce the number of failed practical tests. Theoretical instruction could begin before the age of 17, and the theory test could be taken immediately after the candidate's 17th birthday. Another point to consider is whether a minimum or maximum time should be specified between taking the two parts.

The proposed new theory test would apply to all future driving test candidates, including

those holding a full licence in one vehicle category and seeking to obtain one in an additional category.

The Government would expect to contract out the operation of the theory testing service. This should allow for flexibility for the candidate and help keep down overall costs. The Government also wishes to involve a broad range of educational expertise in the provision of driving theory tuition, though the on-road tuition of learner car drivers would continue to be provided by Approved Driving Instructors.

Benefits, costs and burdens

The case in favour of a separate theory test is that the training in preparation for it, particularly if geared to hazard perception, would reduce accident liability when added to the existing practical test, though the reduction cannot at present be quantified. If this reduction can be achieved, the benefits would be enjoyed not only by the test candidates but potentially by all road users and society in general in the form of safer roads and lower expenditure on emergency treatment.

A fuller theoretical test could assess knowledge in areas that cannot easily be covered in a practical test such as how to deal with dangerous or infrequent driving conditions such as fog or ice, or an understanding of the main causes of accidents. In particular, learner drivers could be trained and tested in hazard perception, a cognitive skill which is important to safe driving and which improves with experience. Research shows that hazard perception is capable of being learnt and developed through theoretical instruction, and there are strong indications – currently being further investigated – that such training can reduce accident liability.

A more demanding test would require the candidate to be better prepared and better qualified as a driver. This in turn would affect the way in which driving instruction is carried out. At present there is often far too little attention paid by candidates or instructors to matters other than practical skills, which cannot all be covered by practical instruction.

The main disbenefit attaching to a separate theory test is that it would result in a higher overall test fee, the additional sum probably being between £10 and £20. The cost or number of driving lessons might also increase, as candidates would need to cover a wider syllabus. The average time needed to obtain a full driving licence might also tend to be longer.

These disbenefits could be offset if better preparation led to a higher pass rate in the

practical test, with fewer candidates having to pay fees (and extra lessons) to retake it. Moreover, any reduction in accident liability should benefit candidates by reducing their risk of accident involvement which should be reflected in lower insurance costs. Indeed, if these benefits were fully appreciated, candidates would undergo the training voluntarily and a theory test would not need to be compulsory.

Even without allowing for reduced insurance costs to the individual, we estimate that the potential savings to the nation from fewer accidents would be nearly twice as high each year as the total costs arising from compulsory theory testing.

The public expenditure incurred by the Driving Standards Agency in developing and administering a theoretical test, either directly or through contractors, would be fully recovered through test fees. Additional costs would be borne by test candidates and there would be no impact on the general taxpayer.

Legislation

The topics that need to be covered in a theory test in order to comply with the EC Directive can be introduced by regulations under the European Communities Act 1972. Primary legislation might be needed to allow flexibility in delivery of the driving test service.

Points to consider

Views of consultees would be particularly welcome on:

- whether the road safety benefits of a separate theory test would justify the added costs and burdens on new drivers required to take two tests and pay higher total fees;
- whether, in view of these benefits, it would be viable to introduce such a test on a voluntary rather than mandatory basis, supplemented with an extended in-car test to meet the requirements of the EC Directive;
- whether candidates should be required to pass the theory test before proceeding to the practical;
- whether there should be a minimum time, or a maximum time, or both between passing the two parts of the driving test.

A3. POST-TEST DRIVER TRAINING

Description of the proposal

Schemes would be developed in collaboration with the insurance industry under which newly qualified drivers would be given financial incentives to take further training.

The schemes would be entirely voluntary for drivers, instructors and insurers. However, all parties would benefit financially by participating – drivers from lower insurance premiums, training organisations from more business and insurers from lower claim rates resulting from fewer accidents.

A possible syllabus for post-test driver training might involve a core period of 5 hours tuition – including 4 hours practical tuition with the new driver at the wheel – concentrating on those areas of particular relevance to what is known about accident liability (such as defensive driving and hazard perception). It would cover a broad range of driving experience and knowledge likely to be unfamiliar to most recently qualified drivers (such as driving at night and on motorways).

These proposals are aimed at newly qualified drivers and are not intended to supplant the advanced driving courses provided mainly by voluntary organisations and aimed primarily at the experienced driver who takes a particular pride in his or her driving skill.

It is intended that the Driving Standards Agency will convene discussions with interested parties to develop the details of a scheme. Any supervisory arrangements should not be onerous though they would need to be sufficient to give the scheme credibility amongst insurers and new drivers. Some training organisations have made arrangements with individual insurance companies or are negotiating such arrangements. The Government welcomes these initiatives and would like to encourage other insurance companies to make such arrangements, by establishing an accepted standard of post-test training or some form of quality control.

Benefits, costs and burdens

There is evidence from recent studies that training courses for qualified drivers can reduce their risk of accident involvement by up to 20 per cent. The causal link between the training and accident reduction is, however, not proven – drivers attracted by such

courses may tend to be safer anyway – though experience of employer-sponsored schemes strongly suggests that there is such a link. Casualties could therefore be significantly reduced if large numbers participated in these courses, and these benefits would accrue to other road users and society as a whole through safer roads and lower expenditure on emergency treatment.

The costs of post-test instruction would initially be borne by the driver but might be recovered through lower insurance costs financed by lower claim rates. There would be no impact on the general taxpayer. Any cost to the Driving Standards Agency of accrediting organisations to provide this instruction would need to be recovered through a fee levied on the participating organisations.

Legislation

No legislation would be needed.

Points to consider

Views of consultees would be particularly welcome on the syllabus for any advanced training, and on what form of accreditation and supervision of post-test training would be most acceptable from the point of view of (a) new drivers, (b) instructors, (c) insurers and (d) the general public.

A4. ROAD SAFETY EDUCATION

Description of the proposal

Education programmes would be developed for the 16-plus age group in schools and in England and Wales sixth form colleges or on vocational education courses, and targeted at potential young drivers, learners and newly qualified drivers.

Road safety forms a traditional part of primary and (to a lesser extent) secondary education up to age 14. However, little or no road safety education is currently offered in schools or colleges to those above that age. In 1990-91, 51 per cent of 16-17 year olds were in full time education and a further 8 per cent in part time education. They are reaching a critical time in their life as potential drivers or motorcyclists, or as moped riders. Road accidents are the largest single cause of accidental deaths among that age group.

A course on the wider aspects of road safety – developing young people's responsibilities as adults for the safety of others on the road – could help to influence attitudes and driver behaviour at an impressionable age.

Course material could cover subjects such as attitudes to driving, legal aspects of driving, responsibilities of vehicle ownership, and drinking and driving. Material specifically related to that for the separate theory test proposed in A2 above could also be included, and courses could be designed specifically as preparation for that test. Indeed, it might be possible for the theory test to be taken as part of the course. In particular, material to develop skills in hazard perception could be an important element.

The approach in mind is not primarily concerned with practical driving instruction. Where schools have offered driving courses, notably in the United States, the effect on road casualties has been mixed. The experience there was that the school courses encouraged pupils to take up driving earlier than they would otherwise have done and that the increased exposure to risk, without offsetting benefits, resulted in more accidents. While practical training may have a part in a balanced course, the essential purpose is to develop positive attitudes towards road safety and a full awareness of the hazards likely to be met on the road.

Research into teaching material suitable for this age-group is already being undertaken. Material will need to be flexible and easy to use. The use of the material would be an

entirely voluntary matter, and it would be for individual schools and colleges to decide whether and how to integrate it into the courses that they offer. But the Government would hope that schools would see advantage in using such material, contributing to the campaign to reduce casualties on the road and promoting more responsible attitudes to vehicle ownership and use and helping to reduce vehicle crime.

As with road safety educational material for use in teaching younger children, it is expected that any teaching resources would be published commercially by a number of competing agencies and would be made available in schools by road safety officers from the local authority budget for road safety education.

Benefits, costs and burdens

Pupils would benefit from greater awareness of road safety issues which they could apply to their own behaviour as road users; they would also be at an advantage in passing the theoretical part of the driving test.

The provision of a road safety course would compete with other desirable activities for a place in the school timetable, but it would be for each school to decide whether to devote time to such a course. The development of suitable teaching material would be funded from the Department of Transport's road safety research budget and the output would be made available commercially on a cost recovery basis to be purchased from funds within existing local authority budgets.

The proposed material would not form part of the national curriculum which applies in England and Wales. As in primary and secondary education generally, road safety would be taught as a cross-curricular subject.

Legislation

No legislation would be required.

Points to consider

Views of consultees would be particularly welcome as to

- (a) the content of a course of this kind, and
- (b) the likely demand and take-up for such courses.

GROUP B: MEASURES FOR FURTHER CONSIDERATION

B1. PROBATIONARY PLATES

Description of the proposal

Newly qualified drivers and motorcyclists would be required to display a probationary plate ("P-plate") on their vehicle for a prescribed period (eg one or two years) after obtaining a full licence in that category. A similar system already exists in Northern Ireland, where a "restricted" plate ("R-plate") must be displayed in the first year after passing the test.

In most or all countries where new drivers are required to display a visible sign (including Northern Ireland), they are subject to one or more restrictions on their driving and the primary purpose of the sign is to enforce these restrictions. In Northern Ireland, for instance, new drivers are restricted to a maximum speed of 45 mph. Other countries such as Australia, New Zealand and some states of the USA, impose restrictions variously on night driving, the carrying of passengers other than mature drivers, the power of the engine, or a total ban on alcohol consumption. However, as is made clear below (see discussion of C6-10), the Government does not believe that such restrictions would be appropriate.

There is little evidence to suggest that the display of a plate in itself, without such restrictions, would affect either the new driver's own behaviour or that of other road users towards that driver. There appears nevertheless to be some public support for P-plates and some unofficial ones are in use in Great Britain on a voluntary basis. Reasons given for supporting them are that they warn other road users of an inexperienced driver, or that they make the new driver feel more exposed and hence more careful. There is some rather inconclusive evidence from Northern Ireland to suggest that the number of accidents for which a new driver is primarily responsible during the year after passing the test is lower than it would otherwise be; however, the number of such accidents rises quite sharply in the second year, when the restrictions do not apply, making this finding difficult to interpret. P-plates would impose minimal costs on new drivers. But it would give the police the additional task of enforcing the law on P-plates.

B2. INCREASING AGE FOR FULL LICENCE TO 18

Description of the proposal

Learner drivers and motorcyclists could continue to be able to hold a provisional licence from age 17, but would not be allowed to take the practical test before their 18th birthday. (Within the European Community, only the United Kingdom and the Irish Republic give full driving licences at the age of 17; in other countries they cannot be obtained before the age of 18).

Accident liability of young drivers is a function of both immaturity and inexperience. Increasing either the age or the experience gained, or both, before being granted a full licence should reduce the exposure of the most vulnerable and the overall risks. A very high number of learners pass the test only months after their 17th birthday. Those in older age-groups tend to take progressively longer.

Research suggests that the extra year's maturity for holders of full licences would reduce accident liability by 6 per cent. Because 17 year olds would only be able to drive accompanied (which research indicates is fairly safe) there would be a reduction in the number of accidents involving them. There might be some increase in accidents among 18 year olds because of lack of experience compared to people who now obtain a full licence before their 18th birthday, but the fact that people could drive on provisional licences before the age of 18 and thus gain some experience could help mitigate this.

The research evidence supporting the case for a measure of this kind is somewhat inconclusive. Accompanied driving experience has been shown to improve driver safety. Conversely, available statistics show that those who pass the driving test within 3 months of their 17th birthday are subsequently less likely to be involved in accidents. Taken together these findings imply that such drivers have a strong aptitude for driving which more than offsets their limited experience but they could be even safer if they had more accompanied experience.

A requirement to hold a provisional licence until the age of 18 would not guarantee that learners took advantage of the extra time in taking more lessons and obtaining more accompanied driving experience. It could also reduce access to educational and employment opportunities for young people. The amount of unlicensed driving, or breach of provisional licence conditions, might also rise as a result. It is also possible that more young people would choose to take up motorcycling, where there is no requirement for a learner to be accompanied, and be exposed to even greater risks. This proposal might also result in more widespread use of mopeds by young people.

The case for increasing the minimum age for holding a full licence – or for driving generally – is therefore in the Government's view, not proven.

GROUP C: REJECTED MEASURES

C1. MAKING THE PRACTICAL 'L' TEST LONGER OR MORE DIFFICULT

Description of proposal

The practical test for car or motorcycle candidates would be made more exacting, by devising tougher test routes and a stiffer marking system, or by increasing its length and including a wider range of challenges or driving conditions (eg motorway driving, night driving).

Reasons for rejection

The present practical test in Great Britain is one of the longest internationally and the current pass rate of 51 per cent suggests it is none too easy. Making it longer or harder would increase the imbalance which currently favours those (predominantly young and male) who can master mechanical skills but lack judgement and safety-consciousness. Although the test itself has changed little over the years, the difficulty of test routes has automatically increased in line with traffic conditions and density.

There would be practical difficulties in including motorway or night-time driving. Fewer than 50 per cent of driving test centres are within easy reach of motorways and it is not feasible to hold night-time tests in the summer months. Tuition costs would increase particularly for those who do not live near a motorway.

A longer practical test would necessitate a higher fee. A more difficult test would increase the amount of professional instruction needed by the average candidate, and hence the cost of learning to drive.

C2 COMPULSORY BASIC CAR DRIVER TRAINING

Description of proposal

Learner car drivers could, like learner motorcyclists, be required to complete a course of off-road "compulsory basic training" before being allowed to drive on the road.

Reasons for rejection

There is no evidence that a lack of basic manoeuvring skills is a significant cause of accidents, or that these skills cannot be adequately taught on the road. The presence of an accompanying driver, often in a dual control vehicle, makes such training much less critical for car driving than for motorcycling.

A scheme of this kind for learner car drivers (almost a million a year) would require a very large number of off-road training sites which would be expensive to provide and equip. Costs would have to be borne by candidates, and they would not require significantly less time practising on roads.

C3 COMPULSORY PROFESSIONAL INSTRUCTION

Description of proposal

Learner drivers would be required to undergo a minimum amount of professional instruction from an Approved Driving Instructor, perhaps following a prescribed syllabus.

Reasons for rejection

Around 98 per cent of learner drivers currently take at least some professional instruction. There is no evidence that the remaining 2 per cent have a worse subsequent safety record than other drivers, whereas there is some evidence that learners who have a mix of professional instruction and driving with a friend or relative are better prepared than learners who have professional instruction only. The average amount of instruction taken is around 31 hours, whereas the minimum requirements typical of foreign countries are typically much less (12-15 hours) and tend to be regarded as a "norm", making candidates reluctant to pay for further tuition. The Government does not therefore see a case for imposing such an additional restriction on the way that people organise their driving training.

C4. 'APPRENTICE' TRAINING FOR 16-YEAR-OLDS

Description of proposal

This would involve a scheme on the lines of the French "apprentissage anticipé de conduite" allowing young people to start driving at an earlier age, but requiring them to undertake extensive structured training before taking the test, involving a mixture of professional instruction and supervision by a nominated mature driver, eg a parent or friend.

Reasons for rejection

Despite the undoubted success of the French scheme, only about 15 per cent of young drivers take up this option and they are a self-selected group who might in any case have been safer. The scheme would bring drivers onto the road at an earlier age which would increase young drivers' exposure to risks. It would be costly to operate, monitor and enforce.

Moreover, in France, the scheme replaces a regime where learner drivers are restricted to driving in dual-controlled vehicles (effectively driving school vehicles with a professional driving instructor) until passing the test. In Britain, learner drivers already have ample opportunities for accompanied driving on non dual-controlled cars with relatives or friends. There would probably therefore be little interest in such a scheme among learner drivers, given the additional expense that would be involved.

C5. STAGED LICENSING

Description of proposal

A second, more difficult, practical test could be introduced, covering situations not encountered in the L-test, such as night-time or motorway driving. Passing this test could be a means of lifting any requirement to carry probationary plates (see B1 above), or other associated restrictions.

Reasons for rejection

Staged licensing would involve substantial new regulation and candidates would face an additional test fee as well as further instruction. There would be practical difficulties in including motorway or night-time driving, as explained under C1 above. The attainment of a full licence would be considerably delayed with possible reduction of employment opportunities. There is no evidence that the road safety benefits would be sufficient to justify these extra burdens.

C.6 REDUCED BLOOD ALCOHOL LEVEL FOR YOUNG DRIVERS

Description of proposal

The legal blood alcohol limit could be reduced, for young or new drivers only, from 80 to either 20 or 50 milligrams of alcohol per 100 millilitres of blood, or possibly to zero.

Reasons for rejection

It seems unlikely that this would have a significant effect, as the statistics show that very young drivers are less likely to be involved in drink-drive accidents than older drivers. Less than 10 per cent of all drink-related fatalities (about 60 per year) involve a driver aged under 21 who is above the legal limit although such drivers are involved in more than 20 per cent of all fatal accidents. The largest number of drink-related fatalities occurs among drivers aged 21 to 25. It would be anomalous to allow them to drive with a higher blood alcohol limit than under 21s.

To enforce two alcohol levels at the roadside the police would need either two sets of breathalysers or more sophisticated equipment. They would be unable to verify a driver's age or licensing status at the roadside, unless it were made compulsory for them to carry licences. Any such compulsion would be easily evaded unless it applied to all drivers.

C7. RESTRICTION TO LOW POWERED CARS

Description of proposal

Provisional licence holders and newly qualified drivers who have held full licences for less than 1 or 2 years could be restricted to driving low powered cars.

Reasons for rejection

High insurance premiums already limit the extent to which high performance cars are driven by young or inexperienced drivers. It would be difficult to define a "low-powered car" without also prohibiting new drivers from using medium-sized saloon cars, including models commonly used by driving instructors. Where there is only one family car within a high power range, it would mean that new drivers, especially at the learner stage, would have less opportunity to gain driving experience. Young drivers might also be encouraged to buy low-powered, but older, less roadworthy vehicles.

C8. LOWER SPEED LIMIT FOR NEW DRIVERS

Description of proposal

Learner and newly qualified drivers could be restricted to a speed below the national limit on all roads for 1 or 2 years after passing the test (as in Northern Ireland, with a maximum speed of 45 mph applying during the first year after passing the test).

Reasons for rejection

Most accidents involving new drivers occur in built-up areas on roads where a 30 or 40 mph limit already applies. A 45 mph limit on unrestricted roads (including motorways) would hold up traffic and create impatience in other drivers which could lead them to overtake dangerously. It would also be difficult to enforce.

The speed limit would lengthen inter-urban journey times for new drivers and might also restrict their employment opportunities.

C9. RESTRICTION ON NIGHT-TIME DRIVING

Description of proposal

Provisional licence holders and newly qualified drivers could be prohibited from driving between, say, the hours of 10pm and 6am, when, according to statistics, the likelihood of their being involved in an accident is particularly high.

Reasons for rejection

All drivers are more likely to be involved in an accident in hours of darkness, and the added risk is proportionately no greater for the young than for others. However, young drivers do a higher than average proportion of their driving at night, which explains their higher relative involvement night-time accidents.

A restriction on night-time driving would be difficult to enforce and would affect many who are not inclined to take risks (including those working unsocial hours). It would not prevent all driving in hours of darkness and could increase the number of accidents as young drivers rush to beat the curfew. Alternative transport would be needed at times when it is not readily available.

C10. RESTRICTION ON CARRYING PASSENGERS

Description of proposal

Learner and newly qualified drivers would not be permitted to carry passengers apart from one accompanying qualified driver (at present, learner drivers must be accompanied by a qualified driver who is over 21 and has held a full licence for at least three years).

Reasons for rejection

There is no statistical evidence that the number of occupants carried is in itself an important factor in accident liability. The proposed restriction would reduce opportunities for gaining experience by, for example, driving on family outings. It would also limit the scope for non-drinking "nominated drivers" to give their friends lifts home from social occasions, and would put more single-occupant vehicles on the road. New drivers with children or other dependants would be particularly disadvantaged. It would also be difficult for the police to enforce such a restriction.